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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-00521 SBA
)	
Plaintiff,)	
)	STIPULATION AND
v.)	ORDER TO CONTINUE DEFENDANT
)	FERNANDO GUZMAN'S MOTION
FERNANDO GUZMAN, CARLOS)	HEARING TO MARCH 3, 2009, AND
NAVARRO, HERNAN MARTINEZ,)	TO EXCLUDE TIME
and FRANCISCO TIJERO,)	
)	
Defendants.)	

It is hereby stipulated, by and between the parties, that defendant Fernando Guzman's motion hearing set for February 10, 2009 be continued to March 3, 2009 at 11:00 am.

It is also stipulated that government's response to defendant's motion is due January 27, 2009, and defendant's response, if any, is due February 3, 2009.

It is further stipulated that the period from January 26, 2009 to March 3, 2009, shall be excluded from the calculation of time in which the trial of the above captioned matter must commence pursuant to the Speedy Trial Act, Title 18 U.S.C. Section 3161(c). The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice served by granting a continuance.

Such continuance is required due to a death in government's counsel family. Moreover,

government counsel and defense counsel for Fernando Guzman will be out of state for several weeks in February.

As such, the parties respectfully request that the motion hearing set for February 10, 2009 be continued to March 3, 2009 at 11:00 a.m.

DATED: January 30, 2009

Respectfully submitted,

/s/
KIMBERLY M. BRIGGS
Assistant United States Attorney

DATED: January 26, 2009

/s/
JOYCE LEAVITT
Attorney for Fernando Guzman

DATED: January 26, 2009

/s/
DAVID HARRIS BILLINGSLEY
Attorney for Hernan Martinez

DATED: January 26, 2009

/s/
IAN GREGORY LOVESETH
Attorney for Carlos Navarro

DATED: January 26, 2009

/s/
PATRICK DAVID ROBINNS
Attorney for Francisco Tijero

ORDER

Based on the reason provided in the stipulation of the parties above, the Court hereby FINDS that for adequate preparation of the case by all parties - specifically, due to a death in the government's counsel family, and for continuity of government and defense counsel - pursuant to 18 U.S.C. Sections 3161(h)(8)(A) and (B)(iv), an exclusion of time is warranted under the

Speedy Trial Act. Based on these findings,

IT IS HEREBY ORDERED THAT the motion hearing currently scheduled for February 10, 2009 shall be continued to March 3, 2009 at 11:00 a.m.

IT IS FURTHER ORDERED that government's response to defendant's motion is due January 27, 2009, and defendant's response, if any, is due February 3, 2009.

IT IS SO ORDERED.

DATED: January 29 , 2009


SAUNDRA BROWN ARMSTRONG
United States District Judge